IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT No. 1027 of 1987

Life Insurance
Corporation of India ... Plaintiff

Vs.

Yashadayini Co-op.
Housing Society Ltd. ... Defendant

Mr. Abhish Deshmukh, Advocate i/b Little &
Co. for plaintiff.

CORAM : Dr. D. Y. CHANDRACHUD,J.

DATE : AUGUST 18, 2006.

P.C.

. By an order dated 16th June, 2006 of this Court, the plaintiff was directed to file documents and affidavits in lieu of the examination in chief of witnesses. This Court held that since the suit was under Section 34, it was not appropriate to pass a decree under Order VIII, Rule 10 of the Code of Civil Procedure 1908 without evidence, having regard to the facts of the case. On 23rd June, 2006 the suit was directed to stand over to 30th June, 2006. On 30th June, 2006 the learned counsel for the plaintiff sought an extension of time to file documents and the affidavit of its witnesses, in lieu of examination in chief. Again on 7th July, 2006 a further extension was sought and granted,

as a matter of last chance. On 13th July, 2006 the counsel for the plaintiff once again sought time to comply with the directions of this Court dated 16th June, 2006. The Court is now informed that even at this stage neither the affidavit in lieu of examination in chief, nor the documents have been filed. In the circumstances, the request for adjournment cannot be acceded to, as sufficient opportunities have been granted to the plaintiff. Hence, the suit is dismissed for want of prosecution.

[Dr. D. Y. CHANDRACHUD, J.]